

WST93AUSA

**REMARKS/ARGUMENTS**

After entry of this paper, the pending claims are 6, 8, 61, and 65. Applicant would like to clarify that the Examiner noted in the Office Action that claims 65 and 66 were pending. However, claims 65 and 66 were not pending at the time the instant Office Action was issued. Applicant is properly presenting new claim 65 in this paper.

Claims 3, 9, and 45-60, and 62-64 are canceled without prejudice. Applicant reserves the right to prosecute these claims and any currently or previously canceled subject matter in a divisional or continuation application filed during the pendency of the present application.

Pending claims 6 and 8 are amended to specify that the peptide or polypeptide binds to a selectin and blocks adhesion between the same and a Lewis antigen. Support for these amendments is found in the originally filed specification and claims and specifically on page 6, lines 17-26 and page 7, lines 8-10. No new matter is added by these amendments.

Claim 61 was amended to depend from claim 6 and provides modifications of the peptide or polypeptide. New claim 65 parallels claim 61, but depends from claim 8. No new matter is added by the amendment to claim 61 or addition of new claim 65.

**Substance of Interview**

Applicant wishes to express their appreciation to Examiner Snedden for the courtesy of the telephonic interview on November 16, 2004.

In this Interview, Applicant and Examiner Snedden discussed the claim language, specifically the functional claim language of claim 3, in the pending claims and outstanding 35 USC § 112 issues. No agreement regarding claim language was reached.

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**Objection to Newly Submitted Claims**

*The Examiner asserted that newly submitted claims 49-51 and 56-58 are drawn to an independent invention distinct from the invention originally claimed.*

*The Examiner thereby withdrew claims 49-51 and 56-58 from consideration.*

The cancellation of claims 49-51 and 56-58 moots the outstanding objection.

**35 USC § 112, First Paragraph Rejection**

*Claims 3, 9, 45, and 59-66 are rejected under 35 USC § 112, first paragraph.*

*The Examiner asserted that the claims fail to define any critical or essential structure and function of the claimed genus of peptides.*

Applicant respectfully requests reconsideration and withdrawal of this rejection for the following reason.

The cancellation of claims 3, 9, 45, 59-60, and 62-64 moots the outstanding rejection as applied to these claims.

Further, claim 61 was amended to depend from claim 6, which is not subject to this rejection. New claim 65 parallels claim 61, but depends from claim 8, which is not subject to this rejection.

In view of the amendment to claim 61 and the above-noted remarks, reconsideration of this rejection is requested.

**35 USC § 112, Second Paragraph Rejection**

*Claims 3, 6, 8-9, 45-48, 52-55, and 59-66 are rejected under 35 USC § 112, second paragraph.*

*The Examiner asserted that it is unclear as to which property of function is mimicked in claims 3, 52, and 59.*

*The Examiner also asserted that it is unclear how the peptide is modified in claims 9, 47, and 53.*

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Applicant respectfully requests reconsideration and withdrawal of this rejection for the following reason.

The cancellation of claims 3, 9, 45-48, 52-55, 59-60, and 62-64 moots the outstanding objection as applied to these claims. Claims 6, 8, and 61 remain subject to this rejection.

Throughout the specification and in the specific sections noted above, Applicant provides a detailed description regarding how the peptide or polypeptide of the present invention mimics a carbohydrate ligand of an adhesion molecule. However, in an effort to place the application in condition for allowance, Applicant has specified that the peptide or polypeptide binds to a selectin and blocks adhesion between the same and the SA-Le<sup>a</sup> and SA-LeX Lewis antigens. Applicant believes that this language clarifies the present invention and makes clear the intended property of the claimed peptide or polypeptide. Pending claim 61 and newly added claim 65 depend from claims 6 and 8, respectively, and contain this functional language.

In view of the amendments to claims 6, 8, and 61 and the above-noted remarks, reconsideration of this rejection is requested.

The Director is hereby authorized to charge any deficiency in any fees due with the filing of this paper or credit any overpayment in any fees to our Deposit Account Number 08-3040.

Respectfully submitted,

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